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January 24, 2006

VIA EMAIL ONLY

Heidi E. Harvey
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

Re: Qwest Communications International, Inc. v. CONQWEST, Inc.
Civil Action No.: 04-cv-11878 RCL

Dear Ms. Harvey:

This letter will confirm our conversation of January 24, 2006 in which I advised you that as a result of our agreement to collapse all personal depositions with 30(b)6 designee depositions and your failure to provide a Rule 30(b)6 notice by 3:00 p.m. on this date, that I have insufficient time in which to prepare Ms. Drolet for these areas of inquiry prior to the January 26, 2006 time. I advise you of this condition in my letter of January 20, 2006. As you know, I have agreed to provide a new date and have requested that you advise times in which you could be available. Given the fact that you have indicated that you do not intend to use more than 7 hours for Ms. Drolet's deposition or the 30(b)6 deposition, I think it is only reasonable for you to conduct those together and to the extent that upon receipt of the notice, CONQWEST determines that another witness will be necessary, we will advise you at that time. I hardly find it reasonable that you refuse to accord me the same courtesy which I have agreed to accord your witnesses which were first and finally disclosed on January 17, 2006.

I find it very unseemly that after such a productive conversation on January 19, 2006 in which you agreed to conduct the discovery in a cooperative fashion that you now have repudiated that cooperation. In the interim, I will be filing the Motion to Amend the answer and assert the counterclaim. As you know, for the same reason you failed and refused to respond to discovery for over one year and more particularly since being reminded and requested in early November, 2005, with the hope of a resolution, I did not make the Motion to Amend. I do not see the prejudice as no discovery has occurred to date. Although we have obtained an extension, I am certainly sure that you can conduct whatever discovery you require on the counterclaim in the context of the time remaining.

Please advise when the documents will be produced as well as the balance of the outstanding discovery. I look forward to your providing suggested dates for the CONQWEST and Drolet deposition.

Thank you in advance for your continued cooperation and please forward to me the information immediately so that we can determine a scheduled.

Very truly yours,

Rosemary A. Macero